IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25180 of 2004

Between:

G. Srikar Rao, S/o. G. Keshava Rao, (Late),
R/o. 5-96/1, Mosapet, Hyderabad.

..... PETITIONER

AND

The Superintending Engineer, Operation Circle, North,
APCPDCL, Mint Compound, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the proceedings dt. 3.12.2004 issued by the respondent bearing LR.No. SE/OP/north/Hyd/ AO(Rev)CRS/JAO/D.No.1633 as illegal and unjustified.

Counsel for the Petitioner:MR.J.C.FRANCIS

Counsel for the Respondent: SMT.M.VINOBHA DEVI

The Court made the following :

ORDER:

The petitioner is a consumer of electricity. The Divisional Engineer/Operations, City-IV, Hyderabad, issued an order of final assessment dated 29.11.1999 holding that the petitioner is liable to pay a sum of Rs.83,073/- towards back billing. Aggrieved by the same, the petitioner preferred an appeal before the respondent herein. Through letter dated 03.12.2004, the petitioner was required to pay a sum of Rs.41,537/-, representing half of the amount covered by the order of final assessment as a condition precedent for entertaining the appeal. The petitioner challenges the same.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent.

The petitioner availed the remedy of appeal against the order of final assessment. The terms and conditions of supply provided for payment of half of the amount whenever an appeal is preferred against the order of final assessment.

The petitioner states that he is in financial difficulty and the order of final assessment itself was of the year 1999.

Taking the totality of the circumstances into account, the writ petition is disposed of directing that in case, the petitioner deposits a sum of Rs.25,000/- (Rupees twenty five thousands only) within three weeks from today, the respondent shall

entertain the appeal and dispose of the same in accordance with law. No costs.

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31.12.2004

sh/kvni

To

1. The Superintending Engineer, Operation Circle, North,
APCPDCL, Mint Compound, Hyderabad.

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